

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X	
ALAN HARRY, LEVANTE CAPITAL, LLC,	:
PUBLIC UTILITY DISTRICT NO. 1 OF	:
CLARK COUNTY, WASHINGTON (D/B/A	:
CLARK PUBLIC UTILITIES), and C&C	:
TRADING, LLC, on behalf of themselves and	:
all others similarly situated,	:
	:
Plaintiffs,	:
	:
v.	:
	:
TOTAL GAS & POWER NORTH	:
AMERICA, INC., TOTAL, S.A., TOTAL	:
GAS & POWER LIMITED, and JOHN DOES	:
1-50,	:
	:
Defendants.	:
-----X	

Civil Action No. 15 Civ. 09689 (JGK)

**NOTICE OF MOTION**

**PLEASE TAKE NOTICE** that, upon the accompanying Memorandum of Law submitted, dated June 9, 2016, and the Declaration of Rachel E. Mondl, with exhibits, defendant TOTAL Gas & Power North America, Inc., by its undersigned attorneys, will move this Court, in the Courtroom of the Honorable John G. Koeltl, United States District Judge, Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 12-B, New York, New York, at a date and time to be determined by the Court, for an Order dismissing plaintiffs' Consolidated Amended Class Action Complaint pursuant to Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state any plausible claims upon which relief can be granted, and granting such other and further relief as the Court deems appropriate.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Stipulation and Order signed and dated on May 3, 2016 (Dkt. No. 57), answering papers, if any, are to be served on or before July 1, 2016 and reply papers, if any, are to be served on or before July 18, 2016.

Dated: New York, New York  
June 9, 2010

Aric Wu  
Michael Marron\*

GIBSON, DUNN & CRUTCHER LLP  
200 Park Avenue, 48th Floor  
New York, NY 10166-0193  
Telephone: (212) 351-4000  
Facsimile: (212) 351-4035  
awu@gibsondunn.com  
mmarron@gibsondunn.com

\*(Admitted Pro Hac Vice)

GIBSON, DUNN & CRUTCHER LLP

By: /s/ William S. Scherman

William S. Scherman\*  
David Debold\*  
Jason Fleischer\*  
Rachel E. Mondl\*

GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Ave. N.W.  
Washington, D.C. 20036  
Telephone: (202) 955-8500  
Facsimile: (202) 467-0539  
wscherman@gibsondunn.com  
ddebold@gibsondunn.com  
jfleischer@gibsondunn.com  
rmond1@gibsondunn.com

*Attorneys for Defendant TOTAL Gas & Power  
North America, Inc.*